

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

**CWP No.12769 of 2015
Date of decision:13.7.2015**

Hola Ram

.....Petitioner

Vs.

The State of Haryana and others

.....Respondents

**CORAM: HON'BLE MR. JUSTICE AJAY KUMAR MITTAL
HON'BLE MRS. JUSTICE REKHA MITTAL**

Present: Mr.Shilak Ram Hooda, Advocate for the petitioner.

Ajay Kumar Mittal,J.

1. The petitioner prays for quashing the order dated 17.10.2014, Annexure P.10 vide which claim for incorporating his name alongwith co-sharer Dhan Satguru Education Society (Regd.) Gohana at Sr.No.1 in the list of land owners whose land had been released from acquisition has been rejected.

2. A few facts relevant for the decision of the controversy involved as narrated in the petition may be noticed. The petitioner is owner of half share of land measuring 23 kanals 3 marlas situated in the revenue estate of Gohana, Tehsil Gohana, District Sonipat. The owner of other half share of the said land is Dhan Satguru Education Society as per mutation dated 3.9.1990. Initially, Hola Ram son of Girdhari Ram and Sadhu Ram

son of Fateh Chand were recorded as owners to the extent of half share each but later on vide civil court decree dated 8.6.1990 passed in Civil suit No.434/90 titled ***Attam Prakash and others vs. Shri Sadhu Ram***, Dhan Satguru Education Society became owner of half share of the aforesaid land. Now, the land is recorded in the names of the petitioner and Dhan Satguru Education Society to the extent of half share each. The Government of Haryana issued notification dated 17.11.1989 under Section 4 of the Land Acquisition Act, 1894 (in short, "the Act") to acquire the aforesaid land for utilization and development of Sector 7, Urban Estate, Gohana. The land owners filed objections dated 13.12.1989 under Section 5A of the Act for releasing their land from acquisition. Notification under Section 6 of the Act was issued on 16.11.1990. The award was announced on 11.11.1992. According to the petitioner, the land comprised in Khasra No.4 min (1K-12M) 8/1min (0K-7M) measuring 1 Kanal 19 marlas out of aforesaid acquired land of the petitioner and other co-sharer Dhan Satguru Education Society, Gohana had been released from acquisition by the respondents vide order dated 1.7.1997, Annexure P.4. However, the name of the petitioner was not included in the list of the land owners whose lands had been released by the respondents. Dhan Satguru Education Society filed CWP No.8561 of 1991 in this court for releasing entire 23 kanals 3 marlas land. In para 3 of the rejoinder dated 23.10.1991 therein, it was averred by the Society that only 19 marlas land of his share had been released. The petitioner made various requests to respondent No.3 for rectifying the list mentioning his name alongwith Dhan Satguru Education Society (Registered) Gohana at Sr.No.1 against 1 kanal 19 marlas land. The petitioner sent legal notice dated 1.3.2007, Annexure P.6 to the respondents.

The President namely Shri Bhagwan Dass of Dhan Satguru Education Society, Gohana in his representation dated 9.9.2011, Annexure P.7 to the Director General, Town and Country Planning, Haryana admitted that only 19 marlas of land of Dhan Satguru Education Society had been released, meaning thereby that out of total 1 kanal 19 marlas of released land, share of the petitioner is 1 kanal and that of the other co sharer i.e. the Society is 19 marlas. According to the petitioner, he has also not received any amount of compensation in lieu of total released land measuring 1 kanal 19 marlas. Despite legal notice, the petitioner's name at Sr.No.1 of the list has not been entered. Hence the instant writ petition.

3. We have heard learned counsel for the petitioner.

4. A perusal of the impugned order dated 17.10.2014, Annexure P.10 shows that the representation of the petitioner was rejected on the ground that the award was announced on 11.11.1992 and possession of the land of the petitioner was handed over to the Estate Officer, HUDA, Sonipat on the same day. The petitioner had also taken compensation amount vide cheque dated 23.12.1992. This Court while disposing of CWP No.8646 of 2014, filed by the petitioner vide order dated May 7, 2014, observed that in case, the decision taken on the representation filed by the petitioner was adverse to the interest of the petitioner, he may approach the civil court or any other appropriate forum instead of invoking writ jurisdiction of this Court. The relevant portion of the order reads thus:-

“Having heard learned counsel for the petitioner and without expressing any views on the merits of petitioner's claim, we dispose of this writ petition with a direction to respondent No.3 to verify the above mentioned claim of the petitioner and take an appropriate decision after hearing all the parties likely to be affected by the outcome of such decision. If such a decision is

adverse to the interest of the petitioner, he may approach the civil court and/or any other appropriate forum instead of invoking writ jurisdiction of this court.”

5. In view of the above, the present writ petition is not maintainable and is, consequently, dismissed.

(Ajay Kumar Mittal)
Judge

July 13, 2015
'gs'

(Rekha Mittal)
Judge